

Before the  
**COPYRIGHT ROYALTY BOARD**  
**LIBRARY OF CONGRESS**  
Washington, D.C.

**In the Matter of:  
Determination of Rates and  
Terms for Making and  
Distributing Phonorecords  
(Phonorecords III) (Remand)**

**Docket No. 16-CRB-0003-PR  
(2018-2022)**

**Declaration and Certification of J. Blake Cunningham**

1. I am counsel for Google LLC in the above-captioned case. I submit declaration and certification pursuant to Rule 350.4(e)(1) of the Copyright Royalty Judges Rules and Procedures, and per the terms of the Protective Order issued July 28, 2016, in support of the Second Supplemental Written Remand Testimony of Greg Leonard (the “Report”). I am authorized by Google to submit this Declaration.

2. I, or those working under my supervision, are familiar with the Report submitted today, and I have reviewed the definitions and terms provided in the Protective Order. After consultation with my client and personnel working under my supervision, I have determined that to the best of my knowledge, information, and belief, the Report contains information that is proprietary, not available to the public, and commercially sensitive. The Restricted materials includes descriptions of the terms of license agreements subject to confidentiality obligations, as well as royalty obligations by Google or other participants that have been designated as Restricted by those participants.

3. Under Rule 350.4(e)(1), I therefore declare that to the best of my knowledge, information, and belief, the material in the documents produced with the “Restricted” label meet the definition in the Protective Order.

4. The information designated as “Restricted” must be treated as restricted “Protected Material” to prevent business and competitive harm that would result from the disclosure of such information while, at the same time, enabling Google to provide the Copyright Royalty Judges with the most complete record possible on which to base their determination in this proceeding.

Pursuant to 28 U.S.C. § 1746 and 37 C.F.R. § 350.4(e)(1), I declare under the penalty of perjury that, to the best of my knowledge, information, and belief, the foregoing is true and correct.

DATED: Austin, TX  
January 24, 2022

Respectfully submitted,



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*Attorney for Google LLC*

# Proof of Delivery

I hereby certify that on Monday, January 24, 2022, I provided a true and correct copy of the Declaration of Blake Cunningham Regarding Restricted Information to the following:

National Music Publishers' Association (NMPA) et al, represented by Benjamin Semel, served via ESERVICE at Bsemel@pryorcashman.com

Spotify USA Inc., represented by Richard M Assmus, served via ESERVICE at rassmus@mayerbrown.com

Nashville Songwriters Association International, represented by Benjamin K Semel, served via ESERVICE at Bsemel@pryorcashman.com

Pandora Media, LLC, represented by Benjamin E. Marks, served via ESERVICE at benjamin.marks@weil.com

Amazon.com Services LLC, represented by Scott Angstreich, served via ESERVICE at sangstreich@kellogghansen.com

Johnson, George, represented by George D Johnson, served via ESERVICE at george@georgejohnson.com

Signed: /s/ David P Mattern